MONTANA LEGISLATIVE HISTORY

Chapter 318 19 91

Bill H 530 S _____ Original bill & history ✓C

H. Committee on Human Serv. & Aging			S. Committee on Business & Ind.		
Hearing Date(s)	2-13	✓C	Hearing Date(s)	3-15	✓C
	2-18	✓C		3-18	✓C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

1/31	INTRODUCED		
1/31	REFERRED TO STATE ADMINISTRATION		
2/01	FIRST READING		
2/11	HEARING		
2/11	COMMITTEE REPORT—BILL PASSED		
2/13	2ND READING PASSED	91	6
2/15	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
2/16	FIRST READING		
2/16	REFERRED TO BUSINESS & INDUSTRY		
3/06	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED		
3/08	2ND READING CONCURRED	49	0
3/09	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
3/20	SIGNED BY PRESIDENT		
3/20	SIGNED BY SPEAKER		
3/21	TRANSMITTED TO GOVERNOR		
3/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 187	EFFECTIVE DATE: 3/26/91	

HB 530 INTRODUCED BY BROOKE, ET AL.
PROHIBIT DISABILITY/LIFE INSURERS FROM DISCRIMINATING FOR CERTAIN CONDITIONS

1/31	INTRODUCED		
1/31	REFERRED TO HUMAN SERVICES & AGING		
2/01	FIRST READING		
2/13	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/25	2ND READING PASSED	85	12
2/26	3RD READING PASSED	84	14
	TRANSMITTED TO SENATE		
2/26	FIRST READING		
2/26	REFERRED TO BUSINESS & INDUSTRY		
3/15	HEARING		
3/18	COMMITTEE REPORT—BILL CONCURRED		
3/20	2ND READING CONCURRED	48	0
3/21	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/27	SIGNED BY SPEAKER		
3/28	SIGNED BY PRESIDENT		
3/28	TRANSMITTED TO GOVERNOR		
4/02	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 318	EFFECTIVE DATE: 10/01/91	

HB 531 INTRODUCED BY PHILLIPS
WORKFORCE DRUG ABUSE PREVENTION ACT

1/31	INTRODUCED
1/31	REFERRED TO LABOR & EMPLOYMENT RELATIONS
2/01	FIRST READING
2/12	HEARING
2/16	TABLED IN COMMITTEE

HB 532 INTRODUCED BY SOUTHWORTH, ET AL.
ESTABLISHING A TAX ON THE SHORT-TERM RENTAL OR LEASE OF CARS & LIGHT TRUCKS

1/31	INTRODUCED
1/31	REFERRED TO TAXATION
2/01	FISCAL NOTE REQUESTED

HOUSE BILL NO. 530

INTRODUCED BY BROOKE, WHALEN, STICKNEY, DRISCOLL, COCCHIARELLA, HARRINGTON, MENAHAN, SQUIRES, COHEN, M. HANSON, HAGER

IN THE HOUSE

FEBRUARY 1, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
	FIRST READING.
FEBRUARY 19, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1991	PRINTING REPORT.
FEBRUARY 25, 1991	SECOND READING, DO PASS.
FEBRUARY 26, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 84; NOES, 14.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 26, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
MARCH 18, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 20, 1991	SECOND READING, CONCURRED IN.
MARCH 21, 1991	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 22, 1991	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 530

INTRODUCED BY Brooke Whalen, Dan Cacciuttolo, Harrington, Menahan, Spaeth, M. Hanson, Hager

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT HEALTH AND LIFE INSURERS, HEALTH SERVICE CORPORATIONS, AND HEALTH MAINTENANCE ORGANIZATIONS FROM EXCLUDING COVERAGE OR MEMBERSHIP TO ANY PERSON ON THE BASIS OF GENETIC CONDITION, DEVELOPMENTAL DELAY, OR DEVELOPMENTAL DISABILITY; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Discrimination on basis of genetic condition, developmental delay, or developmental disability prohibited.** (1) An individual or group disability health or life insurance policy, certificate of health or life insurance, or membership contract that is delivered, issued for delivery, renewed, extended, or modified in this state by an insurer, health service corporation, or health maintenance organization may not exclude coverage or membership to any person on the basis of genetic condition, developmental delay, or developmental disability.

(2) As used in this section, the following definitions apply:

(a) "Developmental delay" means a delay of at least 1 1/2 standard deviations from the norm.

(b) "Developmental disability" means the same as defined in 53-20-202.

(c) "Genetic condition" means a specific chromosomal or single-gene genetic condition.

NEW SECTION. **Section 2.** Codification instruction. [Section 1] is intended to be codified as an integral part of Title 33, and the provisions of Title 33 apply to [section 1].

NEW SECTION. **Section 3.** Applicability. [This act] applies to health or life insurance policies or contracts delivered, issued for delivery, or renewed in this state on or after October 1, 1991.

-End-

INTRODUCED BILL
HB 530

CHAIRMAN--ANGELA RUSSELL
NORMAL SCHEDULE==> SITE: ROOM 312-2 DAYS: TU,TH TIME: 3:00 P.M.
SECRETARY-JEANNE FLYNN KRUMM

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0516	1/31	2/11		DO PASS		2/12
LEE, THOMAS			CONSENT FOR MEDICAL TREATMENT OF YOUTH AT STATE YOUTH CORRECTIONS FACILITIES			
HB0521	1/31	2/13		DO PASS		2/14
DOLEZAL, ED			ADDING TO THE DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT OF INSTITUTIONS			
HB0530	1/31	2/13		PASS AS AMENDED		2/19
BROOKE, VIVIAN			PROHIBIT DISABILITY/LIFE INSURERS FROM DISCRIMINATING FOR CERTAIN CONDITIONS			
HB0545	2/01	2/15		DO PASS		2/16
NELSON, THOMAS			GENERALLY REVISE THE LAWS RELATING TO MEDICAID			
HB0548	2/01	2/15		DO PASS	APPROPRIATIONS	2/16
BROOKE, VIVIAN			AMEND VICTIM COMPENSATION TO PROVIDE BENEFITS TO RELATIVE OF INJURED VICTIM			
HB0564	2/01	2/15		TABLED ON 02/15		
COCCHIARELLA, VICKI			REQUIRE PARENTS TO PAY FOR COURT-ORDERED TREATMENT OR SERVICES FOR YOUTH			
HB0592	2/04	3/08		TABLED ON 03/12		
CROMLEY, BRENT			PROVIDE FOR PRESCRIPTION MONITORING OF CONTROLLED SUBSTANCES			
HB0596	2/04	2/15		DO PASS		2/16
O'KEEFE, MARK			PROHIBIT HOUSING DISCRIMINATION ON MARITAL STATUS			
HB0604	2/05	2/20		PASS AS AMENDED		2/22
BROWN, JAN			ALLOW ADULTS TO OBTAIN INFORMATION DISCLOSING BIRTH OUT OF WEDLOCK			
HB0620	2/05	2/20		DO PASS		2/21
SQUIRES, CAROLYN			LICENSURE FOR RESPIRATORY CARE, TO ESTABLISH A RESPIRATORY CARE BOARD			
HB0627	2/05	2/20		DO PASS	APPROPRIATIONS	2/21
ELLIOTT, JIM			REIMBURSE EXPENSES OF THE LOCAL SENIOR CITIZENS' OMBUDSMAN			

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By Angela Russell, Chair, on February 13, 1991, at 3:15 p.m.

ROLL CALL

Members Present:

Angela Russell, Chair (D)
Tim Whalen, Vice-Chairman (D)
Arlene Becker (D)
Jan Brown (D)
Brent Cromley (D)
Tim Dowell (D)
Patrick Galvin (D)
Stella Jean Hansen (D)
Royal Johnson (R)
Betty Lou Kasten (R)
Thomas Lee (R)
Charlotte Messmore (R)
Jim Rice (R)
Sheila Rice (D)
Jessica Stickney (D)
Bill Strizich (D)
Rolph Tunby (R)

Members Excused: William Boharski, Wilbur Spring, Carolyn Squires

Staff Present: David Niss, Legislative Council
Jeanne Krumm, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

HEARING ON HB 521

Presentation and Opening Statement by Sponsor:

REP. EDWARD DOLEZAL, House District 34, Great Falls, stated that HB 521 was at the request of the Department of Institutions (DOI). The purpose is that current status for DOI does not include permit on the educational duties of this particular department. This bill will expand the responsibilities of DOI to include education and prevention. There is only one portion that this whole bill deals with on page 2, to add subparagraph (k). This paragraph specifies that these people do have the responsibilities of the education and prevention.

Proponents' Testimony:

Motion/Vote: REP. STICKNEY MOVED HB 521 DO PASS. Motion carried unanimous.

HEARING ON HB 530

Presentation and Opening Statement by Sponsor:

REP. VIVIAN BROOKE, House District 56, Missoula, stated that this is to prohibit health and life insurers, health service cooperations and health maintenance organizations from excluding coverage or membership to any person on the basis of genetic condition, developmentally delayed or developmentally disabled and providing applicability. EXHIBIT 4

Proponents' Testimony:

Thomas Black and Margaret Green, submitted written testimony. EXHIBIT 5

Dr. John Opitz, self, stated that he supports HB 530 with the amendment included. He favors this bill with the explicit provisions. This bill exists in the law in Montana at this moment. The principal being equal protection for equal cooperation and equal risk. These provisions are law in Arizona and uniformity in place in several states and is highly regardable. He read paragraph (e) from the Arizona law.

Chris Valenkity, Developmentally Disabled Lobbyist, stated that she works with families who are not covered by insurance policies and sees what the implication is when a developmentally disabled child (DDC) is born to a family. Most issues deal with enforcement. Our families are not experiencing quick actions on their claims. When a DDC is born into a family there is turmoil in that family, medical bills have to be filed and the last thing the families need to do is deal with the insurance companies not covering them.

Opponents' Testimony:

Tanya Ask, Blue Cross & Blue Shield (BCBS), stated that BCBS sees this bill as a considerable expansion of conditions and services that would be covered by health insurance. Mandates are driving up the cost of health insurance. The 141,000 Montanans not currently insured will continue to go up. This bill does two things, it expands the number of individuals who will be covered by the policy and it expands the number of medical services that would be covered. There are serious problems with this particular proposal.

Tom Hopgood, Health Insurance Association of America, stated that there is comprehensive risk that should cover people that are not otherwise able to purchase health insurance. DDC should be covered by SSI and they should therefore be eligible for Medicaid on any level for disability.

Patrick Driscoll, American Council of Life Insurance, stated that there is a serious problem with amendment 4. It goes against the discrimination under the passive incest law.

James Tutwiler, Montana Chamber of Commerce, stated that any employer who has concerns and looks after needs of his employees is realizing that businesses to date are an important part of a package that every employer must keep in order to keep good employees. One major concern is the mandated benefits.

Questions From Committee Members:

REP. GALVIN asked if the level of disability from 0 to 10%, are unable to pay off. **Mr. Hopgood** stated that depending on the level of disability, they would qualify for social security and also for Medicare.

REP. MESSMORE asked if a couple has a child who is born with Down's Syndrome and that it is not because of a previous condition is that child covered. **Ms. Ask** stated that the child is automatically covered.

REP. STICKNEY asked what is the purpose of a comprehensive risk pool. **Ms. Ask** stated that the comprehensive health care association was enacted by the legislature and the issuance behind it was the Montana Diabetes Association. The purpose of the risk pool is to provide coverage for individuals because of a medical condition or an agent.

REP. BECKER asked what happens when people change jobs and need to get a new insurance policy. **Ms. Ask** stated that it would depend on how you are moving from one policy to another. For instance if you were employed and moving to a new employer, you have a certain enrolling time period that you should be able to enroll without a health statement.

Closing by Sponsor:

REP. BROOKE stated that she would encourage the committee to take a good look at the bill and the amendments. Perhaps amendment 4 would be rejected simply because people would not want the discrimination under the insurance statute. It seems that the insurance codes might be an appropriate place to put this new language. These amendments definitely help the bill. We are simply trying to say that people with genetic conditions and developmental disabilities also have the right to the basic health care coverage.

REP. RUSSELL APPOINTED A SUBCOMMITTEE FOR HB 530; REPS. BECKER, TUNBY AND WHALEN.

HEARING ON HJR 16

Presentation and Opening Statement by Sponsor:

HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL **DATE** 2-13-91

NAME	PRESENT	ABSENT	EXCUSED
REP. ANGELA RUSSELL, CHAIR	✓		
REP. TIM WHALEN, VICE-CHAIR	✓		
REP. ARLENE BECKER	✓		
REP. WILLIAM BOHARSKI			✓
REP. JAN BROWN	✓		
REP. BRENT CROMLEY	✓		
REP. TIM DOWELL	✓		
REP. PATRICK GALVIN	✓		
REP. STELLA JEAN HANSEN	✓		
REP. ROYAL JOHNSON	✓		
REP. BETTY LOU KASTEN	✓		
REP. THOMAS LEE	✓		
REP. CHARLOTTE MESSMORE	✓		
REP. JIM RICE	✓		
REP. SHEILA RICE	✓		
REP. WILBUR SPRING			✓
REP. CAROLYN SQUIRES			✓
REP. JESSICA STICKNEY	✓		
REP. BILL STRIZICH	✓		
REP. ROLPH TUNBY	✓		

CS05HUMSER.MAN

EXHIBIT 4
DATE 2-13-91
HB 530

EX 1 Brooke

Amendments to House Bill No. 530
First Reading Copy

Requested by Rep. Brooke
For the Committee on Human Services and Aging

Prepared by David S. Niss
February 12, 1991

1. Title, line 7.
Following: "PERSON"
Insert: "OR REFUSING TO CONSIDER AN APPLICATION FOR COVERAGE"

2. Title, line 8.
Following: "DISABILITY"
Insert: "; TO DEFINE UNLAWFUL DISCRIMINATION IN THE APPLICATION OF INSURANCE RATES OR TERMS OR IN THE ISSUANCE OF AN INSURANCE POLICY OR PENSION; AMENDING SECTION 49-2-309, MCA "

3. Page 1.
Following: line 21
Insert: "(2) The issuer of a policy, certificate, or contract referred to in subsection (1) may not refuse to consider an application for the issuance, renewal, extension, or modification of the policy, certificate, or contract on the basis of a genetic condition, developmental delay, or developmental disability.

(3) The rejection of an application for or the determination of rates, terms, or conditions of a life or disability insurance contract on the basis of a genetic condition, developmental delay, or developmental disability constitutes unlawful discrimination, unless the applicant's medical condition and history and either claims experience or actuarial projections establish that substantial differences in claims are likely to result from genetic condition, developmental delay, or developmental disability."
Renumber: subsequent subsection

4. Page 2.
Following: line 4
Insert: "Section 2. Section 49-2-309, MCA, is amended to read:
"49-2-309. Discrimination in insurance and retirement plans. (1) It is an unlawful discriminatory practice for any financial institution or person to discriminate solely on the basis of sex, genetic condition, developmental delay, developmental disability, or marital status in the issuance or operation of any type of insurance policy, plan, or coverage or

EXHIBIT 4
DATE 2-13-91
HB 530

in any pension or retirement plan, program, or coverage, including discrimination in regard to rates or premiums and payments or benefits.

(2) This section does not apply to any insurance policy, plan, coverage, or any pension or retirement plan, program, or coverage in effect prior to October 1, 1985.""
Renumber: subsequent sections

5. Page 2, line 9.
Strike: "[This act]"
Insert: "(1) [Section 1]"

6. Page 2, line 10.
Following: "contracts"
Insert: "applied for,"

7. Page 2.
Following: line 12
Insert: "(2) [Section 2] applies to insurance policies, plans, or coverage issued and pension or retirement plans, programs, or coverage issued or operated in this state on or after October 1, 1991."

EXHIBIT 5
DATE 2-13-91
HB 530

923 East Central
Missoula, Mt. 59801
February 11, 1991

Honorable Vivian Brooke
House of Representatives
Helena, Mt. 59601

Dear Representative Brooke:

As parents of a daughter with Down Syndrome, we would like to lend our support to House Bill 530 making insurance available for her at competitive rates. We are in the fortunate position of having our child covered by insurance through our employers' group policy. However, if we were to change employment, it would probably be impossible or monetarily prohibitive to obtain insurance for our daughter, even though her needs have been no different from any other child's health needs.

Yours truly,

Thomas Black and Margaret Green

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Human Services & Aging COMMITTEE BILL NO. HB 530

DATE 2-13-91 SPONSOR(S) Rep. Brooke

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
John M. Opitz	Self	✓ Amended	
Tanya Ask	Blue Cross & Blue Shield		✓
PATRICK M. DRISCOLL	AMERICAN COUNCIL OF LIFE INSURANCE		✓
Chris Valenkamp	DD Lobbyist	✓	
Tom Hopgood	Health Ins. Assoc. of America		✓
~~Steve Kirkhead~~	~~Self~~		
LARRY AKEY	MT ASSOC OF LIFE UNDERWRITERS		X
~~H. Edward Smith~~	~~Self~~	X	
Jim Tutwiler	MT Chamber Commerce		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By Rep. Angela Russell, Chair, on February 18, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Angela Russell, Chair (D)
Tim Whalen, Vice-Chairman (D)
Arlene Becker (D)
William Boharski (R)
Jan Brown (D)
Brent Cromley (D)
Tim Dowell (D)
Patrick Galvin (D)
Royal Johnson (R)
Betty Lou Kasten (R)
Thomas Lee (R)
Charlotte Messmore (R)
Jim Rice (R)
Sheila Rice (D)
Wilbur Spring (R)
Carolyn Squires (D)
Jessica Stickney (D)
Rolph Tunby (R)

Members Excused: Stella Jean Hansen and Bill Strizich

Staff Present: David Niss, Legislative Council
Jeanne Krumm, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

EXECUTIVE ACTION ON HB 400

Motion: **REP. MESSMORE MOVED HB 400 DO PASS.**

Motion/Vote: **REP. STICKNEY MADE A SUBSTITUTE MOTION THAT HB 400 BE TABLED.** Motion carried 18-2 with **REPS. DOWELL and KASTEN** voting no.

EXECUTIVE ACTION ON HB 530

Motion: **REP. BECKER MOVED HB 530 DO PASS.**

Motion: **REP. BECKER** moved to amend HB 530. **EXHIBIT 1**

Discussion:

REP. MESSMORE stated that with this amendment this legislation is permissive. **REP. BECKER** stated that it was basically permissive before. The feeling was that it was an uncertain permissiveness.

REP. TUNBY stated that he thought that the committee was mandating basic health care coverage. **REP. SQUIRES** stated that a broken leg or tonsils are normal things that can happen for to normal child. We are looking at a Down Syndrome child, which is a whole other spectrum.

REP. TUNBY stated that under the present law, an insurance company wouldn't necessarily have to take care of those type of things, then this will mandate it. **REP. SQUIRES** stated that Down Syndrome is a condition, a broken leg or the removal or tonsils can also incur a child and its normal. **REP. BECKER** stated that in section 6, it says that no person shall make or permit any discrimination between any individual in the rates charge.

David Niss stated that it was not clear whether the amendment was mandated coverage for a developmentally delayed, developmentally disability or a genetic condition. That was the way the original bill was drafted. It wasn't clear whether the bill was only preventing discrimination based on the conditions in affording other insurance for the broken leg, tonsillitis, other conditions, or whether it was required coverage for any of those other three conditions related to genetic problems. The subcommittee put three subsections of the Arizona law, which were previously to be added by Rep. Brooke's request, on the bill as introduced and added them to a section of the law which we all felt was more clear in that it did not require those benefits. It only prohibited discrimination in other types of coverage based upon the fact that those genetic conditions existed.

Vote: Motion carried 19-1 with **REP. KASTEN** voting no.

Motion: **REP. BECKER MOVED HB 530 DO PASS AS AMENDED.** Motion carried 19-1 with **REP. KASTEN** voting no.

HEARING ON HB 780 & HB 761

Presentation and Opening Statement by Sponsor:

REP. ROBERT PAVLOVICH, House District 70, Butte, stated that this bill relates to AIDS and sexual offenders. When a prosecution is commenced the offender shall be given a test by the request of the victim. The victim will know the result of the test. The test will be kept confidential and this will let the victim know what will happen.

Presentation and Opening Statement by Sponsor:

REP. RAY PECK, House District 15, Havre, stated that if someone has been sexually offended then they should have some recourse in determining whether the person that offended them is carrying a

HOUSE STANDING COMMITTEE REPORT

February 19, 1991

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 530 (first reading copy -- white) do pass as amended .

Signed: _____
Angela Russell, Chairman

And, that such amendments read:

1. Title, line 4.
Strike: "HEALTH"
Insert: "DISABILITY"

2. Title, lines 5 and 6.
Strike: ", HEALTH" on line 5 through "ORGANIZATIONS" on line 6

3. Title, lines 6 and 7.
Strike: "OR MEMBERSHIP"

4. Title, line 7.
Following: "TO"
Insert: "OR REFUSING TO CONSIDER AN APPLICATION FOR INSURANCE COVERAGE FROM"

5. Title, line 8.
Following: "DISABILITY"
Insert: "; TO DEFINE UNLAWFUL DISCRIMINATION IN THE APPLICATION OF INSURANCE RATES OR TERMS OR IN THE ISSUANCE OF AN INSURANCE POLICY; DEFINING TERMS; AMENDING SECTION 33-18-206, MCA "

6. Page 1, line 12 through line 8 on page 2.
Following: line 11
Strike: sections 1 and 2 in their entirety
Insert: " Section 1. Section 33-18-206, MCA, is amended to read:
"33-18-206. Unfair discrimination prohibited -- life

insurance, annuities, and disability insurance. (1) No person shall make or permit any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon or in any other of the terms and conditions of such contract.

(2) No person shall make or permit any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of disability insurance or in the benefits payable thereunder or in any of the terms or conditions of such contract or in any other manner whatever.

(3) An insurer may not refuse to consider an application for life or disability insurance on the basis of a genetic condition, developmental delay, or developmental disability.

(4) The rejection of an application or the determining of rates, terms, or conditions of a life or disability insurance contract on the basis of genetic condition, developmental delay, or developmental disability constitutes unfair discrimination, unless the applicant's medical condition and history and either claims experience or actuarial projections establish that substantial differences in claims are likely to result from the genetic condition, developmental delay, or developmental disability.

(5) As used in this section, the following definitions apply:

(a) "Developmental delay" means a delay of at least 1 1/2 standard deviation from the norm.

(b) "Developmental disability" means the singular of developmental disabilities as defined in 53-20-202.

(c) "Genetic condition" means a specific chromosomal or single-gene genetic condition."

Renumber: subsequent section

7. Page 2, line 10.
Strike: "health"
Insert:"disability"
Following: "contracts"
Insert: "applied for,"

EXHIBIT 1
DATE 2-18-91
HB 530

Amendments to House Bill No. 530
First Reading Copy

Requested by Rep. Becker
For the Committee on Human Services and Aging

Prepared by David S. Niss
February 17, 1991

1. Title, line 4.
Strike: "HEALTH"
Insert: "DISABILITY"

2. Title, lines 5 and 6.
Strike: ", HEALTH" on line 5 through "ORGANIZATIONS" on line 6

3. Title, lines 6 and 7.
Strike: "OR MEMBERSHIP"

4. Title, line 7.
Following: "TO"
Insert: "OR REFUSING TO CONSIDER AN APPLICATION FOR INSURANCE COVERAGE FROM"

5. Title, line 8.
Following: "DISABILITY"
Insert: "; TO DEFINE UNLAWFUL DISCRIMINATION IN THE APPLICATION OF INSURANCE RATES OR TERMS OR IN THE ISSUANCE OF AN INSURANCE POLICY; DEFINING TERMS; AMENDING SECTION 33-18-206, MCA "

6. Page 1, line 12 through line 8 on page 2.
Following: line 11
Strike: sections 1 and 2 in their entirety
Insert: " **Section 1.** Section 33-18-206, MCA, is amended to read:

"33-18-206. Unfair discrimination prohibited -- life insurance, annuities, and disability insurance. (1) No person shall make or permit any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon or in any other of the terms and conditions of such contract.

(2) No person shall make or permit any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of disability insurance or in the benefits payable thereunder or in any of the terms or conditions of such contract or in any other manner

whatever.

(3) An insurer may not refuse to consider an application for life or disability insurance on the basis of a genetic condition, developmental delay, or developmental disability.

(4) The rejection of an application or the determining of rates, terms, or conditions of a life or disability insurance contract on the basis of genetic condition, developmental delay, or developmental disability constitutes unfair discrimination, unless the applicant's medical condition and history and either claims experience or actuarial projections establish that substantial differences in claims are likely to result from the genetic condition, developmental delay, or developmental disability.

(5) As used in this section, the following definitions apply:

(a) "Developmental delay" means a delay of at least 1 1/2 standard deviation from the norm.

(b) "Developmental disability" means the singular of developmental disabilities as defined in 53-20-202.

(c) "Genetic condition" means a specific chromosomal or single-gene genetic condition."

Renumber: subsequent subsection

7. Page 2, line 10.
Strike: "health"
Insert:"disability"
Following: "contracts"
Insert: "applied for,"

CHAIRMAN--J. D. LYNCH
NORMAL SCHEDULE==> SITE: ROOM 410 DAYS: M,T,W,T,F TIME: 10:00 A.M.

SECRETARY-DARA ANDERSON

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES----------	COMMITTEE ACTION----------	REREFERRED TO COMM----	DATE OUT-
HB0367	2/16	3/06		CONCUR		3/06
BROWN, JAN			EXPANSION OF BUSINESS IMPROVEMENT DISTRICTS			
HB0411	2/13	3/12		CONCUR		3/12
KADAS, MIKE			MAKE CARRIERS OF BEER, TABLE WINE & CIGARETTES REPORTS TO REVENUE PERMISSIVE			
HB0477	3/28	4/05		CONCUR AS AMENDED		4/05
KADAS, MIKE			ESTABLISH THE MICROBUSINESS DEVELOPMENT ACT			
HB0479	2/19	3/08		CONCUR		3/08
HAYNE, HARRIET			ALLOW CERTAIN NONPROFIT CORPORATIONS TO APPLY UNDER IN-STATE INVESTMENT ACT			
HB0529	2/16	3/06		CONCUR		3/06
FELAND, GARY			EXTEND BOND VALIDATING ACT			
HB0530	2/26	3/15		CONCUR		3/18
BROOKE, VIVIAN			PROHIBIT DISABILITY/LIFE INSURERS FROM DISCRIMINATING FOR CERTAIN CONDITIONS			
HB0538	2/27	3/22		COM RPT - _____		3/27
BRADLEY, DOROTHY			REGULATE PRICE OF RETAIL MOTOR FUEL AT WHOLESALE & RETAIL LEVELS			
HB0547	3/23	3/28		CONCUR		3/28
HANSON, MARIAN			EXEMPT CERTAIN NONPROFIT & STUDENT GROUPS FROM STORE LICENSES			
HB0610	2/20	3/11		CONCUR		3/12
BRADLEY, DOROTHY			CLARIFY ALTERNATIVE REGULATION OF TELEPHONE LOCAL EXCHANGE COMPANIES			
HB0629	3/13	3/19		CONCUR AS AMENDED		3/19
MCCULLOCH, SCOTT			REQUIRE PERIODIC RENEWALS OF CERTIFICATES OF LIMITED PARTNERSHIP			
HB0651	3/15	3/26		CONCUR AS AMENDED		3/26
HARRINGTON, DAN			REPEAL EXISTING FRATERNAL BENEFIT SOCIETY LAW AND REPLACE WITH NEW TITLE			

HOUSE BILL NO. 530

INTRODUCED BY BROOKE, WHALEN, STICKNEY, DRISCOLL, COCCHIARELLA, HARRINGTON, MENAHAN, SQUIRES, COHEN, M. HANSON, HAGER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT ~~HEALTH~~ DISABILITY AND LIFE INSURERS~~, HEALTH SERVICE CORPORATIONS, AND HEALTH MAINTENANCE ORGANIZATIONS~~ FROM EXCLUDING COVERAGE ~~OR MEMBERSHIP~~ TO OR REFUSING TO CONSIDER AN APPLICATION FOR INSURANCE COVERAGE FROM ANY PERSON ON THE BASIS OF GENETIC CONDITION, DEVELOPMENTAL DELAY, OR DEVELOPMENTAL DISABILITY; TO DEFINE UNLAWFUL DISCRIMINATION IN THE APPLICATION OF INSURANCE RATES OR TERMS OR IN THE ISSUANCE OF AN INSURANCE POLICY; TO DEFINE TERMS; AMENDING SECTION 33-18-206, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~NEW SECTION. Section 1. Discrimination on basis of genetic condition, developmental delay, or developmental disability prohibited. (1) An individual or group disability health or life insurance policy, certificate of health or life insurance, or membership contract that is delivered, issued for delivery, renewed, extended, or modified in this state by an insurer, health service corporation, or health maintenance organization may not exclude coverage or membership to any person on the basis of genetic condition, developmental delay, or developmental disability.~~

~~(2) As used in this section, the following definitions apply:~~

~~(a) "Developmental delay" means a delay of at least 1 1/2 standard deviations from the norm.~~

~~(b) "Developmental disability" means the same as defined in 53 20 202.~~

~~(c) "Genetic condition" means a specific chromosomal or single gene genetic condition.~~

~~NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 33, and the provisions of Title 33 apply to [section 1].~~

SECTION 1. SECTION 33-18-206, MCA, IS AMENDED TO READ:

"33-18-206. Unfair discrimination prohibited -- life insurance, annuities, and disability insurance. (1) No person shall make or permit any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon or in any other of the terms and conditions of such contract.

(2) No person shall make or permit any unfair discrimination between individuals of the same class and of

essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of disability insurance or in the benefits payable thereunder or in any of the terms or conditions of such contract or in any other manner whatever.

(3) An insurer may not refuse to consider an application for life or disability insurance on the basis of a genetic condition, developmental delay, or developmental disability.

(4) The rejection of an application or the determining of rates, terms, or conditions of a life or disability insurance contract on the basis of genetic condition, developmental delay, or developmental disability constitutes unfair discrimination unless the applicant's medical condition and history and either claims experience or actuarial projections establish that substantial differences in claims are likely to result from the genetic condition, developmental delay, or developmental disability.

(5) As used in this section, the following definitions apply:

(a) "Developmental delay" means a delay of at least 1 1/2 standard deviations from the norm.

(b) "Developmental disability" means the singular of developmental disabilities as defined in 53-20-202.

(c) "Genetic condition" means a specific chromosomal or

single-gene genetic condition."

NEW SECTION. **Section 2. Applicability.** [This act] applies to ~~health~~ DISABILITY or life insurance policies or contracts APPLIED FOR, delivered, issued for delivery, or renewed in this state on or after October 1, 1991.

-End-

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By Chairman J.D. Lynch, on March 15, 1991, at 10:00 a.m.

ROLL CALL

Members Present:

J.D. Lynch, Chairman (D)
John Jr. Kennedy, Vice Chairman (D)
Betty Bruski (D)
Eve Franklin (D)
Delwyn Gage (R)
Thomas Hager (R)
Jerry Noble (R)
Gene Thayer (R)
Bob Williams (D)

Members Excused: None

Staff Present: Bart Campbell (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None

HEARING ON HOUSE BILL 530

Presentation and Opening Statement by Sponsor:

Representative Vivian Brooke, sponsor of the bill, stated that there was some technical changes made to the bill to put it into the correct section of the code. HB 530 clarifies that insurance companies could not exclude from coverage or consider an application for people with genetic conditions, or developmental delay, or developmental disability. If a family has a down syndrome child, and wants basic healthcare coverage for that child's perhaps, broken arm, or other necessary hospitalization that is not related to the genetic condition, that insurance companies will be clear that they should consider the application, and they should not exclude from coverage those children, and also for life insurers.

Proponents' Testimony:

John Opitz, chairman of the department of medical genetics

at Shodair children's hospital in Helena, Montana, representing himself as a genetic healthcare provider, stated that this bill enacts an equal protection clause. It establishes the principal of equal protection coverage for equal risk.

Chris Volinkaty, a lobbyist for the forty six non profit providers in the state who provide services to the developmentally disabled as well as the consumers of that service, stated that when a developmentally disabled child is born to a family it is very devastating emotionally to that family. If they are middle income people, it is extremely devastating financially. This bill would make a small step for those families that are trying to support these children. It is modeled after the Arizona law, and provides regular childcare insurance, just like it would a regular child without any problems.

Tom Hopgood, representing the health insurance association of America, stated that they are in concurrence with this bill.

Susan Witte, chief council for Andy Bennett, commissioner of insurance, stated that they support HB 530.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Gage asked about page three, line twenty two, that references developmental delays. Is there somewhere that establishes what the 'norm' is.

John Opitz replied that this puts them in line with federal guidelines. It puts them in the same definitions used in the federal guidelines.

Closing by Sponsor:

Representative Brooke closed by saying that this is a good business bill. When people move to Montana from out of state, it guarantees families that when they drop their healthcare coverage in one state, perhaps they would be able to pick it up again in Montana under this coverage.

HEARING ON HOUSE BILL 169

Presentation and Opening Statement by Sponsor:

Representative Bob Thoft, sponsor of the bill, stated that the bill sets up a model check scale program in the state. One check scaler will be employed with the department of commerce, probably under the department of weights and measures, and this person's job will be to answer complaints from loggers on log scales. The program will be paid for by a fee of seven and a half cents per thousand of board feet. Board feet are worth to two hundred to three hundred dollars, this is a pretty modest fee. There are penalties in the bill. The first problems with

DATE 3/15/91

COMMITTEE ON Business & Industry

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Raymond Gorr	G & R Logging	HB 169	✓	
Herman Williams	Self	HB 169	✓	
Richard J Smith	Smith-Gallan-Smith Logging	HB 169	✓	
Ernie Dunn	Forest Service	HB 169	✓	✓
Gene Phillips	Nat. Assoc Ind. Ins Alliance Amer. Ins	HB 203	X	
" "	"	HB 241		X
Arthur Maffeucci	Travelers Ins Co	HB 203	✓	
Jim Kembel	Public Safety Div / DOC	HB 169	Information	
Jack Mahon	R-Y Timber	HB 169		X
Patrick O. Connell	Rocky Mountain Log Homes	HB 169		X
Mark Williams	Champion International	HB 169		X
Craig F Thomas	Champion International	HB 169		X
John Opitz	Self	HB 530	✓	
Billy L. Dean	Plum Creek Timber Co.	HB 169		✓
Mike Atwood	Bland S Lumber	HB 169		✓
Don Burnal	Darby Lumber	HB 169		✓
Paulette Bailey	self	HB 169	✓	
Ellen Roberts	self	HB 169	✓	✓
Benny Alan	Dist 52	HB 169	✓	
Chris Volinkaty	DOD Lobbyist	HB 530	✓	
Tom Hopgood	HIAA	HB 530	✓	
Jacqueline N Terrell	Am. Insurance Assoc.	SB 203	✓	
Jacqueline N. Terrell	Am. Insurance Assoc	HB 241		✓
LARRY AILEY	MT Assoc of Life Underwriters	HB 203	✓	
LARRY AILEY	"	HB 530	✓	
Steve Browning	State Farm Insurance	HB 241		✓

(Please leave prepared statement with Secretary)

Senator Franklin moved the amendments proposed by blue cross blue shield regarding gender.
Senator Bruski moved HB 672 be concurred in as amended.

Discussion:

None

Amendments, Discussion, and Votes:

The motion by Senator Williams to amend HB 672 passed unanimously.
The motion by Senator Hager to amend HB 672 passed unanimously.
The motion by Senator Franklin to amend HB 672 passed by a 7 to 2 vote.

Recommendation and Vote:

The motion made by Senator Bruski that HB 672 be concurred in as amended passed unanimously. Senator Franklin will carry the bill to the floor.

EXECUTIVE ACTION ON HOUSE BILL 530

Motion:

Senator Noble moved HB 530 be concurred in.

Discussion:

None

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The motion made by Senator Noble that HB 530 be concurred in passed unanimously. Senator Kennedy will carry the bill to the floor.

EXECUTIVE ACTION ON HOUSE BILL 209

Motion:

Senator Gage moved to amend HB 209.
Senator Gage moved HB 209 be concurred in as amended.

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/18/91 Bill No. HB530 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON
Secretary

J.D. LYNCH
Chairman

Motion: BE CONCURRED IN SN. KENNEDY

SENATE STANDING COMMITTEE REPORT

March 18, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 530 (third reading copy -- blue), respectfully report that House Bill No. 530 be concurred in.

Signed: J.D. Lynch
John "J.D." Lynch, Chairman

3-18-91
Amd. Coord.

3/18 1:50
Sec. of Senate

HOUSE BILL NO. 530

INTRODUCED BY BROOKE, WHALEN, STICKNEY, DRISCOLL, COCCHIARELLA, HARRINGTON, MENAHAN, SQUIRES, COHEN, M. HANSON, HAGER

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